

**Michigan Supreme Court**  
State Court Administrative Office  
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Lansing, Michigan 48909  
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John D. Ferry, Jr., State Court Administrator

**M E M O R A N D U M**

**DATE:** July 12, 2002

**TO:** Chief Circuit and District Court Judges  
**cc:** Judges, Court Administrators, and Clerks of Court

**FROM:** John D. Ferry, Jr.

**SUBJ:** Implementation of SCAO Administrative Memorandum 2002-04  
MCR 3.106, Appointment of Court Officers

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On April 26, 2002, appointment procedures for both court employee and independent contractor court officers were sent to you as SCAO Administrative Memorandum 2002-04 and a supplement. (Access memorandum and supplement using links below.) The following information addresses implementation questions which have arisen since AM 2002-04 and MCR 3.106 took effect.

- Q** If the court does not designate who may seize property or conduct evictions, can the plaintiff give the papers to any court officer in the state appointed for that purpose?
- A** No. If no one is designated by the court for such purposes, MCR 2.103 provides that only a sheriff or deputy sheriff, an officer of the Department of State Police in an action in which the state is a party, or a police officer of an incorporated city or village in an action in which the city or village is a party may serve such process.
- Q** How long must applications be kept?
- A** General Schedule No. 16, Records Retention and Disposal Schedule for Michigan Trial Courts, should be followed. The current schedule provides for retention of job applications for three years after filling the position.
- Q** Is an individual bond required if the court officer is a court employee?
- A** No, if the bond is for \$50,000. See the enclosed revised bond chart. This chart replaces page 13-02-01 of Volume II, Section 13, of the Court Administration Reference Guide.

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- Q** Who determines whether a bonding agency is valid, and how?
- A** Each chief judge ultimately makes this decision. The court may contact the Office of Financial and Insurance Services, a division of Consumer and Industry Services, to determine whether the agency is licensed and authorized to write such bonds. The toll free number is 877-999-6442.
- Q** Will SCAO distribute a master list of persons appointed as court officers or post a current list on the SCAO web site?
- A** Beginning in August, SCAO will post a list of persons appointed as court officers to its web site. The list will be categorized by court of appointment and will be updated monthly.
- Q** Will SCAO alert courts if someone's appointment as a court officer is rescinded?
- A** Upon receiving notice that an appointment has been rescinded, SCAO will send e-mail notification to the chief judge and court administrator of any other court for which that person is appointed. Notification will identify the court that made the rescission.
- Q** Is there a requirement that a court officer take an oath of office?
- A** Government employees are required to take an oath of office pursuant to MCL 15.151. There is no such requirement for an independent contractor, although courts may choose to do so.
- Q** May courts obtain criminal history information from a court's LEIN terminal or from local law enforcement?
- A** The appointment procedures provided in AM 2002-04 discussed conducting a criminal record check. Procedures for conducting a background check differ dependent upon whether the applicant will be an employee of the court or an independent contractor. If the applicant will be appointed as an employee of the court, the criminal history information may be obtained directly from a court's LEIN terminal or from local law enforcement.

If the applicant will be appointed as an independent contractor, the court may not obtain the information from the court's LEIN terminal or request the information from local law enforcement. Obtaining information in this fashion is a violation of LEIN administrative rules and would be a misdemeanor punishable by 90 days in jail and a \$500 fine, pursuant to MCL 28.214(3). Michigan conviction information may be obtained via the internet through the Internet Criminal History Access

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Tool (ICHAT). To establish a no-fee account for ICHAT, contact the Michigan State Police, Accounts Section at 517-322-5546.

In the alternative, the court may require the applicant to obtain a copy of their conviction criminal history and provide it to the court.

Links:

SCAO Administrative Memorandum 2002-04:

<http://courts.michigan.gov/scao/resources/other/scaoadm/2002/2002-04.pdf>

Supplement: <http://courts.michigan.gov/scao/resources/other/scaoadm/2002/2002-04supplement.pdf>

## 13-02 SURETY BOND REQUIREMENTS

(Rev. 7/02)

### A. Bonds Required for Court Personnel

COURT	POSITION TITLE	BLANKET OR INDIVIDUAL	AMOUNT	FOR BENEFIT OF OR GIVEN TO	APPROVED BY	FILED WITH	CITATION
District	Magistrate	Individual	\$50,000 Amount set by State Court Administrator	District Court and State of Michigan	Chief Judge	County Treasurer and Chief Judge	MCL 600.8507; MSA 27A.8507, MCR 8.204
District	Clerk or Deputy Clerk	Blanket or Individual	\$50,000 Amount set by State Court Administrator	District Court and State of Michigan	Chief Judge	Chief Judge	MCR 8.204
District	Process Server - MCR 2.103(A) Appointed by court	Blanket or Individual	\$10,000 Amount set by State Court Administrator	District Court and State of Michigan	Chief Judge	Chief Judge	MCR 8.204
District	Process Server - MCR 3.106 (B)(1)(a) Appointed by court	Independent Contractor: Individual	\$50,000 Amount set by State Court Administrator	District Court and State of Michigan	Chief Judge	Chief Judge	MCR 8.204
		Court Employee: Blanket or Individual					
Probate	Probate Register	Individual	\$1,000	Chief Judge	Chief Judge	County Clerk	MCL 600.833; MSA 27A.833
Circuit	Circuit Court Clerk (County Clerk)	Blanket or Individual determined by Board of Commissioner	\$2,000	People of State of Michigan	Chief Judge	County Treasurer	MCL 50.61; MSA 5.831
Circuit	Friend of the Court	%	%	%	%	%	%